

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

July 19 and 20, 2005

The meeting was called to order at 8:50 a.m. in the Cumberland Room, Ground Floor of the Cordell Hull Building, 425 Fifth Avenue North, Nashville, Tennessee 37247-1010, by President Dr. David Cunningham. Other members present were: Drs. Michael Zanolli, Barbara Engelhardt, Keith Lovelady, Mitchell Mutter, Sam Barnes, Subhi Ali, Allen Edmonson, Charles White, Sr. and Ms. Nina Yeiser. Members absent were: Ms. Mary Johnson and Mr. Mark Brown. Staff present included: Rosemarie Otto, Executive Director, Dr. Larry Arnold, Medical Director, Marsha Arnold Unit Manager, Sandra Powell, Board Administrator and Mr. Robert Kraemer, Advisory Attorney.

Dr. Cunningham welcomed new member, Dr. Keith Lovelady to the board.

Minutes

Minutes from the May 17 and 18, 2005 meeting were reviewed. Dr. White made a motion to accept the minutes and Dr. Zanolli seconded the motion. The motion carried.

Ratification of Licenses

New, reinstated, failed to renew and voluntarily retired licenses for Medical Doctors, Medical X-Ray Operators, Athletic Trainers, Physician Assistants, Committee on Clinical Perfusionists and the Acupuncture Committee were reviewed by the Board. Dr. Mutter made a motion to ratify the approval of licenses. Dr. Ali seconded the motion. The motion carried unopposed.

New Applicant Interview

Joseph Elliott Benson, Jr., MD-Dr. Benson is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Benson's application file for the Board. In August, 2002, Dr. Benson's medical license in Oregon was suspended. His hospital privileges were summarily suspended due to misdiagnosis of pathology specimens. After a full investigation, an Agreed Order was reached, wherein Dr. Benson agreed to spend twelve (12) months having his work reviewed by a preceptor. The requirements placed on Dr. Benson's license have since been met. Dr. Benson informed the Board he was

previously in the military and has been board certified since 1994. Dr. Benson stated he was planning on returning home to Columbia, Tennessee. After further discussion, Dr. Edmonson made a motion to grant Dr. Benson a license and Dr. Barnes seconded the motion. The motion passed unopposed.

James Wesley Denham, MD-Dr. Denham is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Denham's file for the Board. Dr. Denham had sexual boundaries issues and entered into the Comprehensive Assessment Program at Vanderbilt. Dr. Roland Gray, Medical Director for the Tennessee Medical Foundation spoke on behalf of Dr. Denham. Dr. Gray stated Dr. Denham is under contract with TMF for behavioral monitoring and stated that TMF does not monitor sexual boundaries issues. Dr. Cunningham stressed to Dr. Denham that he is under Dr. Gray and if there are any mistakes, Dr. Gray will report him and this will result in another appearance before the Board. Ms. Yeiser made a motion to grant Dr. Denham a license and Dr. Edmonson seconded the motion. Dr. Ali suggested an amendment to the motion requiring Dr. Denham to remain under contract with the TMF for five (5) years. The motion as amended passed unanimously.

Paul David Ellis, MD-Dr. Ellis is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Ellis' file for the Board. Dr. Ellis was placed on probation the last four (4) months of his residency program because of unexpected absences from assigned clinical services. Dr. Ellis also explained the circumstances that gave rise to his felony conviction for theft in 1993. Additionally, Dr. Ellis informed the Board he is now Board Certified in Diagnostic Radiology. Ms. Yeiser made a motion to grant a license to Dr. Ellis and Dr. White seconded the motion. Dr. Edmonson made an amendment to grant a license contingent on getting licensed in Kentucky. Dr. Lovelady seconded the motion. The amendment failed. The original motion passed with Dr. Edmonson opposing.

Curtis R. Handler, MD-Dr. Handler is applying for a license to practice Telemedicine in Tennessee. Dr. Arnold reviewed Dr. Handler's file for the Board. Dr. Handler is a Tele-radiologist and practices in California. Dr. Handler has malpractice issues. Dr. Handler informed the Board that he holds a California license only. There is a discrepancy on the application which listed other state licenses. Dr. Engelhardt made a motion to grant Dr. Handler a Telemedicine license pending clarification of errors on the application. Dr. Mutter seconded the motion. The motion failed. The Board informed Dr. Handler that there was no problem with the malpractice issues but he would need to correct the discrepancies on his application and suggested that he withdraw his application and re-submit a corrected one. Dr. Handler withdrew his application.

David Vernon Lounsberry, MD-Dr. Lounsberry is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Lounsberry's file for the Board. Dr. Lounsberry's California license was placed on suspension for one year after a finding by an Administrative Law Judge that he performed breast examinations without a nurse present. The suspension was stayed and the probation ensued. The probation ended

May, 1998. Dr. Lounsberry's medical license in Montana was also disciplined. After further discussion, Dr. Edmonson made a motion to grant a license to Dr. Lounsberry and Dr. Ali seconded the motion. The motion passed unopposed.

James Charles Mosure, MD-Dr. Mosure is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Mosure's file for the Board. Dr. Roland Gray, Medical Director for the Tennessee Medical Foundation spoke on behalf of Dr. Mosure. Dr. Gray stated that Dr. Mosure has been in compliance with the recommendations made by the Vanderbilt Center for Professional Excellence and that he will be under contract with the TMF. Dr. Edmonson made a motion to grant Dr. Mosure a license contingent on a lifetime contract with TMF and five years probation. Dr. Barnes seconded the motion. The motion carried unopposed. Ms. Otto explained that pursuant to the state's new contract with the TMF, it is advisable that TMF submit these contracts to the BME staff two (2) weeks prior to the board meeting so that they can be reviewed at the pre-board meeting, possibly obviating the need for an applicant to appear for an interview.

Lynne Voutsinas, MD-Dr. Voutsinas is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Voutsinas' file for the Board. Dr. Voutsinas has numerous malpractice issues. Dr. Arnold explained the nature of malpractice cases and recommended that if the Board's decision is to issue a license, that licensure should be restricted to administrative medicine and no patient contact. Ms. Yeiser made a motion to grant Dr. Voutsinas a license restricted to administrative medicine and no patient contact. Dr. Edmonson seconded the motion. The motion carried unopposed.

David Karl Patzer, MD-Dr. Patzer is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Patzer's file for the Board. Dr. Patzer has been recruited by Dr. Gray and others in this area to work with the Davidson County Drug Court and the methamphetamine pilot project. Dr. Roland Gray spoke on behalf of Dr. Patzer. Dr. Arnold informed the Board that if a license is granted, he recommends Dr. Patzer maintain advocacy for a full five (5) years with TMF and the license be restricted to working at the Davidson County Drug Court. Dr. Arnold informed the Board that a DEA number is not needed for the position and restrict him from obtaining one at this time. Ms. Yeiser made a motion to accept Dr. Arnold's recommendations to grant Dr. Patzer a license restricted to working at the Davidson County Drug Court. Dr. Edmonson seconded the motion. The motion carried unopposed.

Jorge Simental, MD-Dr. Simental is applying for a Locum Tenens license in Tennessee. Dr. Arnold reviewed Dr. Simental's file for the Board. Dr. Simental informed the Board there was a mistake regarding the application that was submitted. Dr. Simental wants to apply for a full license instead of a Locum Tenens. Ms. Yeiser's suggestion to Dr. Simental was to withdraw his application and reapply for a full license. Dr. Simental withdrew his application.

Eric Wright-Mr. Wright is applying for a limited scope MD X-Ray operator license. Dr. Arnold reviewed Mr. Wright's file. Mr. Wright had a felony conviction for Vehicular Homicide due to intoxication. Mr. Wright is currently on probation and compliant with

the terms thereof. Mr. Wright has successfully discharged his obligations to the Tennessee Professional Assistance Program. Dr. Zanolli made a motion to grant Mr. Wright a Limited Medical X-ray license and Dr. Edmonson seconded the motion. The motion carried unopposed.

Thomas Ryder, MD-Dr. Ryder appeared before the Board on March 15, 2005. At the time, the Board granted Dr. Ryder a license conditioned upon receipt by Dr. Roland Gray of a release executed by Dr. Ryder authorizing his treating psychiatrist to release his treatment records to Dr. Gray. Subsequently, Dr. Ryder failed to provide the necessary release and later withdrew his application. Ms. Otto asked the Board for a motion rescinding their action on March 15, 2005 that granted Dr. Ryder's conditional license. Dr. White made a motion to rescind the previous action by the Board and Dr. Zanolli seconded. The motion passed unopposed.

Reinstatement Interview

Bennett Lankford Crowder, III, MD-Dr. Crowder is applying for reinstatement of his Tennessee medical license. Dr. Arnold reviewed Dr. Crowder's file for the Board. Dr. Crowder explained to the Board that he was in general surgery for twenty-four years and emergency medicine for the last fourteen years. Dr. Crowder retired his Tennessee medical license on September 16, 2004 because of health issues. Dr. Crowder had malpractice issues in Alabama which caused that Board to consider reviewing his medical records. Dr. Crowder explained the malpractice issues for the Board. Dr. Zanolli made a motion to reinstate Dr. Crowder's medical license and Dr. Barnes seconded the motion. Dr. Mutter opposed. The motion carried.

Sunil Geevarghese, MD-Dr. Geevarghese is applying for reinstatement of his Tennessee medical license. Dr. Arnold reviewed Dr. Geevarghese's file for the Board. Dr. Roland Gray, Medical Director for the Tennessee Medical Foundation spoke on behalf of Dr. Geevarghese and stated he had documentation suggesting that Dr. Geevarghese's mood disorder was stabilized and that his treatment team believes he can safely practice his profession. Dr. White made a motion to reinstate Dr. Geevarghese's medical license contingent upon a five year contract with TMF. Dr. Ali seconded the motion. The motion carried unopposed.

Walter Eugene Verner, MD-Dr. Verner is applying for reinstatement of his Tennessee medical license. Dr. Arnold reviewed Dr. Verner's file for the Board. Dr. Verner explained to the Board that he will be working in a cardiac stress testing lab. Dr. Ali made a motion to grant reinstatement but restrict his practice to cardiac stress testing laboratories only contingent upon proof that he obtains certification in Advanced Cardiac Life Support (ACLS). Dr. Edmonson seconded the motion. The motion carried unopposed.

Adjourned for lunch at 12:20 and reconvened in the Cumberland Room at 1:20 p.m.

Ratification of Denial of Licensure

Robert A. Burkich, MD-Dr. Burkich is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Burkich's file for the Board. Dr. Burkich's license was revoked in Georgia and Tennessee based on a felony conviction and mail fraud. There is board action pending in the state of Utah as of May 20, 2005 and Dr. Burkich's Georgia medical license is still revoked. Dr. Arnold recommended denial of Dr. Burkich's medical license. Ms. Yeiser made a motion to accept Dr. Arnold's recommendation for denial of licensure and Dr. Edmonson seconded the motion. The motion passed unopposed.

Ranjay Halder, MD-Dr. Halder is applying for a Special Training license in Tennessee. Dr. Arnold reviewed Dr. Halder's file for the Board. Dr. Halder attended Spartan University which is not an approved medical school. Dr. Arnold recommended denial based on Rule 0880-2-.04 (3) (d). Ms. Yeiser made a motion to accept Dr. Arnold's recommendation for denial of licensure and Dr. White seconded the motion. The motion carried unopposed.

Gabriel Itaro, MD-Dr. Itaro is applying for a license to practice medicine in Tennessee. Dr. Itaro's medical license was revoked July 5, 1996. Dr. Itaro has not complied with the conditions set forth by the Board. Dr. Arnold recommended denial of licensure. Dr. Itaro was present and was recognized by Dr. Cunningham. Dr. Itaro explained his history with the Tennessee Medical Foundation. Dr. Roland Gray spoke to the Board regarding the advocacy Dr. Itaro had in 2002 but stated he currently needed more assessment and therefore he could not advocate for Dr. Itaro at this time. Dr. Ali stated Dr. Itaro must have TMF Advocacy and Ms. Yeiser and Dr. Barnes concurred. Dr. Itaro spoke with Dr. Gray and subsequently decided to withdraw his application.

Rule Action

Jerry Kosten, Rules Coordinator, informed the Board there was one comment at the rulemaking hearing held July 18, 2005 regarding prescription writing, allowing participation by physician assistants in Medical Professional Corporations and Medical Professional Limited Liability Companies and requirements for X-Ray operators to conduct bone density exams. Mr. Kosten handed out the comment to the Board for review. Dr. White made a motion to approve the rule and Ms. Yeiser seconded the motion. Following a roll call vote, the rule was adopted by unanimous vote.

Mr. Robert Kraemer explained Public Chapter 434 to the Board regarding prescription drugs which states in part;

“It shall be unlawful for any pharmacist, or any pharmacy technician or any pharmacy intern under the supervision of a pharmacist who dispenses prescriptions, drugs, and medicines to substitute any drug or device different from the one ordered, or deviate in any manner from the requirements of an order or prescription without the approval of the prescriber,.....”

Mr. Kosten informed the Board of the need for a rulemaking hearing concerning use of titles and the addition of a new category of Special Volunteer License for physicians who participate in benevolent or humanitarian service projects located outside the state. Dr. White made a motion to authorize a rulemaking hearing and Ms. Yeiser seconded the motion. The motion passed unopposed.

Additionally there was a discussion concerning the language in the BME's current rules on advertising. Drs. Zanolli and Ali volunteered to work on amendments to the rule for consideration by the Board.

Discussion

Mr. Kevin Wright, Executive Director for Tennessee Technology Access Project addressed the Board about assistive technology. Mr. Wright handed out brochures to the Board for review. Dr. White suggested putting the information in the newsletter and under the noteworthy section of the internet.

Mr. Owen London, Director with X-Ray Instructional Programs in Memphis, Tennessee addressed the Board to explain to them why his program has achieved a pass rate well below the required sixty-five percent (65%) for all years except 2003 and his plans to improve his course and, consequently, his pass rate. Mr. London distributed a document entitled "Our Plan to Improve" which included a brief history of the program, an explanation of why he believes the program has come up short of the Board's requirements and his plan to improve. The Board discussed giving Mr. London six months to improve the scores and report back to the Board with the results. Dr. Mutter made a motion to give Mr. London six (6) months to improve the scores and Ms. Yeiser seconded the motion. The motion carried unopposed. Mr. London will be asked to return to the Board at its March, 2006 meeting.

Ms. Yeiser made a motion to defer the reports to the next scheduled meeting and Dr. Ali seconded the motion. The motion carried unopposed.

Disciplinary Action

Conference Room A/B

Panel: Cunningham, Engelhardt, Edmonson

Contested Case Hearing

Eric Green-Mr. Green was neither present nor represented by legal counsel. Ms. Andrei Lee represented the State. The Honorable Mary Collier, Administrative Law Judge presided. Ms. Lee informed the panel that all attempts were made to contact Mr. Green. Ms. Lee asked to proceed in Default. Dr. Edmonson made a motion to proceed in Default and Dr. Engelhardt seconded the motion. The motion passed unopposed. Ms. Lee handed out the Notice of Charges and employment record to the panel for review.

Mr. Green practiced without a license as an Athletic Trainer. On or about May, 2004, Mr. Green was employed by Fort Sanders Health and Fitness as an Athletic Trainer in the extended rehabilitation program. During the time frame, Mr. Green was unlicensed and terminated from Fort Sanders for falsifying documents and/ or records relating to licensure as an Athletic Trainer in the State of Tennessee and/or N.A.T. A. certification. On or about August, 2004, Mr. Green was employed by Associated Therapeutics in Knoxville as a fitness trainer in the physical therapy, occupational therapy and physical fitness programs. During the time frame, Mr. Green was unlicensed and terminated from Associated for falsifying documents and/or records relating to licensure as an Athletic Trainer without a valid Athletic Trainer certification issued by the State of Tennessee and/or N.A.T.A. certification. As part of the State's proof, Ms. Sandra Powell, Administrator for the Board of Medical Examiners was called to testify. Ms. Powell testified that the signature on an approval letter purportedly granting Mr. Green authorization to practice his profession was not her signature. Ms. Latonya Shelton, Administrator for the Athletic Trainers was called upon to testify. Ms. Shelton stated that Mr. Green had used someone else's license number when he submitted a copy of his certification. The certificate dates had been altered. Ms. Lee gave closing arguments and stated that since Mr. Green was never licensed, civil penalties can be assessed and his name can be flagged if he tries to apply for licensure in the future. The panel deliberated. Dr. Edmonson made a motion to accept the Finding of Facts and Dr. Engelhardt seconded the motion. The motion passed unopposed. Dr. Engelhardt made a motion to accept the Causes of Action and Dr. Edmonson seconded the motion. The motion passed unopposed. Dr. Engelhardt made a motion to assess costs and Dr. Edmonson seconded the motion. The motion passed unopposed. Dr. Cunningham stated the reason for the action is that Mr. Green has defrauded the citizens of Tennessee and posed a threat to their wellbeing. The policy statement was read and accepted to protect the health, safety and welfare of the citizens of the State of Tennessee.

Everett Echols, MD-Dr. Echols was neither present nor represented by legal counsel. Ms. Andrei Lee represented the State. The Honorable Mary Collier, Administrative Law Judge presided. Ms. Lee informed the panel that Dr. Echols refused to pick up the certified letters mailed to him. Dr. Echols did respond to a letter sent regular mail. Ms. Lee asked the Board to proceed in Default. Dr. Edmonson made a motion to proceed in Default and Dr. Engelhardt seconded the motion. The motion passed unopposed. Ms. Lee handed out the Notice of Charges and North Carolina's Order to the panel for review. Dr. Echols is charged with violating T.C.A. 63-6-214 (b) (1) and T.C.A. 63-6-214 (b) (20). On June 16, 2004, the North Carolina Board of Medical Examiners issued an Order of Summary Suspension temporarily suspending Dr. Echols' license to practice medicine in Georgia. The suspension was predicated upon Dr. Echols prescribing dangerous drugs to individuals over the internet without first examining the individuals to determine whether the prescription drugs are medically indicated and whether the individuals can safely consume the prescription drugs. On November 10, 2004, before the North Carolina Board, Dr. Echols' license to practice medicine in that state was revoked. In her closing arguments, Ms. Lee asked the State to revoke Dr. Echols' Tennessee medical license based on the proof and assess cost and civil penalties in the amount of one thousand dollars (\$1,000). The panel deliberated. Dr. Edmonson made a motion to

accept the Findings of Fact and Dr. Engelhardt seconded the motion. The motion passed unopposed. Dr. Engelhardt made a motion to accept the Causes of Action and Dr. Edmonson seconded the motion. The motion passed unopposed. Dr. Edmonson made a motion to revoke Dr. Echol's license to practice medicine in Tennessee, assess costs and one thousand dollars (\$1,000) in civil penalties. Dr. Engelhardt seconded the motion. The motion passed unopposed. The policy statement was read and accepted to protect the health, safety and welfare of the citizens of the State of Tennessee.

Tennessee Room

Panel: White, Barnes, Mutter

Order of Compliance

Daniel Garcia, MD-Dr. Garcia was neither present nor represented by legal counsel. Mr. Robert Kraemer represented the State. Dr. Garcia was charged with violating T.C.A. 63-6-214 (b) (1), T.C.A. 63-6-214 (b) (12) and T.C.A. 63-6-214 (b) (20). The September 17, 2003 Agreed Order and Order of Compliance were handed out to the panel for review. On September 17, 2003, Dr. Garcia entered into an Agreed Order. The Agreed Order required Dr. Garcia's medical license be placed on probation for a minimum of three (3) years. Dr. Garcia has fulfilled the terms of the Order. Dr. White made a motion to accept the Order of Compliance and Dr. Mutter seconded the motion. The motion passed unopposed.

Devon Smith, MD-Dr. Smith was neither present nor represented by legal counsel. Mr. Robert Kraemer represented the State. The Agreed Order of 2003 was handed out to the panel for review. Dr. Smith was charged with violating the T.C.A. 63-6-214 (b) (1), T.C.A. 63-6-214 (b) (2) and T.C.A. 63-6-214 (b) (4). Dr. Smith entered into an Agreed Order on July 22, 2003. Dr. Smith's medical license was placed on probation for a period of two (2) years. Dr. Smith has complied with the terms of the Order. Dr. Mutter made a motion to accept the Order of Compliance and Dr. White seconded the motion. The motion passed unopposed.

Licensure Denial Appeal

Norman Clinkscales, MD-Dr. Clinkscales was present and represented by legal counsel, Mr. Dan Warlick. Ms. Laurie Doty represented the State. The Honorable Marion Wall, Administrative Law Judge presided. The Clinkscales' license application was denied in Tennessee by the Board's medical director and subsequently ratified by the Board on January 18, 2005. The denial was based on sexual boundary violations in other states and discipline that followed. Specifically, Dr. Clinkscales was disciplined by a hospital in North Carolina for sexual harassment of female subordinates over a period that spanned approximately 10 years. In 2001, Dr. Clinkscales surrendered his privileges in lieu of discipline for sexual harassment of female subordinates. Subsequently he was issued a

public reprimand by the South Carolina Board of Medical Examiners and the Iowa Board of Medical Examiners. Both Orders required that Dr. Clinkscales remain in treatment and remain compliant with the requirements of his treatment team with progress reports to the respective Boards. Following ratification of the denial, Dr. Clinkscales notified the Board in writing of his intention to seek an appeal which was heard on July 19, 2005.

After opening statements by both sides, and the introduction of collective exhibit 1 (a copy of the Order from South Carolina Board of Medical Examiners, copy of Dr. Clinkscales' treatment records and his CV), Dr. Clinkscales was called to testify. Dr. Clinkscales testified that he had in fact been responsible for sexually harassing a number of subordinates over a very long period of time but that he had been in treatment for his sexual addiction since 2001. He testified that he is subject to polygraph examinations every six (6) months and his female colleagues are provided surveys quarterly for the purpose of providing feedback to his therapist with respect to his behavior towards them. Copies of these surveys were provided to the Board for their review. Dr. Clinkscales was cross-examined by Ms. Doty and answered questions offered by the Board. Dr. Clinkscales' treating psychiatrist, Tracy Irvin, MD was called to testify. She testified that she treats professionals who have in some way demonstrated boundary violations, particularly sexual boundaries. She testified that she and her colleague evaluated Dr. Clinkscales after he self-reported to their facility in Atlanta, Georgia. She did not diagnose Dr. Clinkscales with a sexual disorder or a personality disorder. Dr. Irvin was cross-examined by Ms. Doty and took questions from the Board. The State called no witnesses. Mr. Warlick waived closing argument and Ms. Doty gave a brief closing statement. Judge Wahl charged the Board and turned the deliberations over to the Board chair, Sam Barnes, MD. Dr. Mutter made a motion to accept the Findings of Fact #1-6 and Dr. White seconded the motion. The motion passed unopposed. Dr. Mutter made a motion to accept the Conclusions of Law which states that Dr. Clinkscales violated the Medical Practice Act but has fulfilled all statutory and regulatory requirements to obtain a license in the State of Tennessee. Dr. White seconded. The motion passed unopposed. The Order states that Dr. Clinkscales is granted a license to practice medicine in Tennessee with the provisions that he continue to maintain a relationship with BMI psychiatric facility in Atlanta. If Dr. Clinkscales chooses to change psychiatric treatment facilities, he must appear before the Board to do so. Quarterly reports from such facility(s) must be forwarded to the Board, through the Tennessee Medical foundation. Dr. White made a motion to grant Dr. Clinkscales a license to practice medicine in Tennessee subject to the provisions of the Order and Dr. Mutter seconded the motion. The motion passed unopposed.

Cumberland Room

Panel: Yeiser, Ali, Lovelady

Contested Case Hearing

Billy L. Couch, MD-Dr. Couch was present and represented by legal counsel, Mr. Harold R. Gunn. Ms. Tamanna Qureshi represented the State. The Honorable Lynn

England, Administrative Law Judge presided. The Notice of Charges were handed out to the panel for review. Dr. Couch is charged with violating T.C.A. 63-6-214 (b) (1), T.C.A. 63-6-214 (b) (3), T.C.A. 63-6-214 (b) (4) and T.C.A. 63-6-214 (b) (12). Dr. Couch sold and administered approximately eighty (80) shots containing the 2003/2004 flu vaccine to persons who believed they were purchasing and receiving shots containing the current 2004/2005 flu vaccine. Dr. Couch failed to correct impressions held by patients that he was selling and administering shots containing the vaccine designed and manufactured for the 2004/2005 flu season. The vaccine designed and manufactured for the 2003/2004 flu season did not protect patients from the strains expected to circulate in 2004/ 2005 flu season. Dr. Couch was called upon to testify. Ms. Qureshi asked Dr. Couch several questions regarding the vaccine he administered. Mr. Gunn cross-examined Dr. Couch. Dr. Couch stated that no one became sick or made a complaint until he was contacted by the Board. Mr. James D. Johnson was called upon to testify. Mr. Johnson lives in the town of Humboldt, Tennessee and gave detailed information on what happened before and after he was given the flu vaccine. Ms. Jennifer Wood was sworn in to testify and was asked questions regarding her flu vaccine she received from Dr. Couch. The case was continued until the next scheduled meeting which will be held September 20 and 21, 2005.

Adjourned at 5:10 p.m.

July 20, 2005

Cumberland Room

9:00 a.m.

Panel: Edmonson, Cunningham, Ali, Lovelady

Agreed Order

Stephen Matthews, MD-Dr. Matthews was neither present nor represented by legal counsel. Mr. Shiva Bozarth represented the State. The proposed Agreed Order was handed out to the panel for review. Dr. Matthews is charged with violating T.C.A. 63-6-214 (b) (1), T.C.A. 63-6-214 (b) (5) and T.C.A. 63-6-214 (b) (20). On May 21, 2003, a Notice of Voluntary Summary Suspension was filed with the Indiana Health Professions Bureau summarily suspending Dr. Matthews' medical license for ninety (90) days. Dr. Matthews admitted that he had a history of substance abuse including narcotics, had completed a recovery program, had a relapse and subsequently entered an additional treatment program in December 2002. On July 30, 2004, the Indiana Board filed a Findings of Fact and Order with the Indiana Health Professions Bureau. The Indiana Order contained Findings of Fact that showed that Dr. Matthews continued to practice while unfit to practice due to abuse of, or severe dependence upon alcohol or other drugs that endangered the public by impacting his ability to practice safely. The proposed Agreed Order stated that Dr. Matthews' Tennessee medical license shall be placed on probation to run concurrent with his probation by the Indiana Health Professions Bureau.

Dr. Matthews must comply with all requirements of the Indian Order and submit proof of compliance to the Tennessee Board of Medical Examiners in writing. Dr. Matthews shall maintain the advocacy of Indiana State Medical Association, and shall cause ISMA, through its director, to submit quarterly progress reports to the Tennessee Medical Foundation Director with regard to Dr. Matthews' compliance with the terms and conditions of his contract with ISMA and whether or not he maintains the advocacy of the same. Dr. Matthews must pay one thousand dollars (\$1, 000) in civil penalties within 30 days from the effective date of the proposed Agreed Order. Dr. Ali made a motion to accept the proposed Agreed Order and Dr. Edmonson seconded the motion. The motion passed unopposed.

Ronald M. Short, MD-Dr. Short was neither present nor represented by legal counsel. Mr. Andrae Crismon represented the State. The proposed Agreed Order was handed out to the panel for review. Dr. Short was charged with violating T.C.A. 63-6-214 (b) (1), T.C.A. 63-6-214 (b) (2), T.C.A. 63-6-214 (b) (5) and T.C.A. 63-6-214 (b) (18). Dr. Short's Tennessee medical license was previously restricted and made subject to several conditions by a July 22, 2003 Order of the Board of Medical Examiners. This Order was issued pursuant to a June 7, 2002 Order by the Wyoming Board of Medicine, which imposed certain examination, reporting, information production and other conditions upon Dr. Short's Wyoming medical license. At time or times after August 28, 2003 Dr. Short violated the Board's Order in failing to maintain his Physician Aftercare and Monitoring Agreement with the TMF by relapsing into chemical dependency. The proposed Agreed Order states that Dr. Short's Tennessee medical license is hereby formally revoked. The revocation of Dr. Short's medical license is stayed and his medical license is placed on a five (5) year probationary period. Dr. Short must maintain his Physician Aftercare and Monitoring Agreement with the TMF and shall comply with each and all requirements contained in the Agreement. TMF will send quarterly reports to the Board regarding Dr. Short's progress. Any violation by Dr. Short of his Tennessee Physician Aftercare and Monitoring Agreement, whether or not advocacy is lost, must be reported to the Board within thirty (30) days of the violation. Any loss of TMF advocacy by Dr. Short must be reported to the Board within seven (7) days. Any positive drug screen by Dr. Short must be reported to the Board within forty-eight (48) hours. Dr. Short is ordered to pay all costs which must be paid in full within thirty (30) days of Dr. Short's receipt of the Affidavit of Costs. Dr. Edmonson made a motion to accept the proposed Agreed Order and Dr. Ali seconded the motion. The motion passed unopposed.

Richard Kienzle, MD-Dr. Kienzle was present but not represented by legal counsel. Mr. Thomas Miller represented the State. The Proposed Agreed Order was handed out to the panel for review. Dr. Kienzle is charged with violating T.C.A. 63-6-214 (b)(1), T.C.A. 63-6-214 (b)(2), T.C.A. 63-6-214 (b)(3), T.C.A. 63-6-214 (b)(4), T.C.A. 63-5-214 (b)(5), T.C.A. 63-6-214 (b)(12), T.C.A. 63-6-214 (b)(13), T.C.A. 63-6-214(b)(14), T.C.A. 63-6-214 (b)(18) and T.C.A. 63-6-214 (b)(20). In or between June 1998 and July 1999, Dr. Kienzle prescribed non-controlled substances for his personal use on nine (9) occasions. Dr. Kienzle prescribed these substances for himself under the name of another physician without said physician's knowledge. The proposed Agreed Order states that Dr. Kienzle's Tennessee medical license shall be immediately surrendered. Dr. Kienzle shall

immediately discontinue self-diagnosis and treatment and shall submit to Vanderbilt Comprehensive Assessment Program for evaluation and treatment and follow recommendations. Dr. Kienzle's Drug Enforcement Agency certificate in the State of Tennessee shall be immediately surrendered. Dr. Kienzle may petition the Board for a new license after the expiration of one (1) full year from the effective date of the Order. Before applying for a new license, Dr. Kienzle must gain and maintain the advocacy of the Tennessee Medical Foundation and shall cause the TMF, through its director, to submit quarterly reports to the Board's Director with regard to Dr. Kienzle's compliance with the terms and conditions of his contract with the TMF and whether or not he maintains the advocacy of the same. Upon completion of the recommended treatment and with the advocacy of the TMF, any request for a change in the status of Dr. Kienzle's medical license shall have as accompanying exhibits affidavits from his treating physicians, psychiatrist, and/or cognitive behavioral psychologist (as recommended by the V-CAP evaluation) and TMF which attest to the fact that in their professional opinions Dr. Kienzle is mentally and physically fit to safely return to the practice of medicine. Dr. Kienzle shall execute a release allowing the Board to receive information regarding his participation and compliance with the TMF. Dr. Ali made a motion to accept the proposed Agreed Order and Dr. Edmonson seconded the motion. The motion passed unopposed.

John Malcolm Reaux, MD-Dr. Reaux was neither present nor represented by legal counsel. Mr. Thomas Miller represented the State. The proposed Agreed Order was handed out to the panel for review. Dr. Reaux is charged with overprescribing. Dr. Reaux is charged with violating T.C.A. 63-6-214 (b) (1), T.C.A. 63-6-214 (b) (2), T.C.A. 63-6-214 (b) (4), T.C.A. 63-6-214 (b) (12) and T.C.A. 63-6-214 (b) (20). The proposed Agreed Order states that Dr. Reaux's Tennessee medical license is revoked. Dr. Reaux must pay costs which shall be paid within thirty (30) days from the issuance of the Affidavit of Costs. Dr. Edmonson made a motion to accept the proposed Agreed Order and Dr. Ali seconded the motion. The motion passed unopposed.

Consent Orders

William Satterly, MD-Dr. Satterly was neither present nor represented by legal counsel. Mr. Andrae Crismon represented the State. The proposed Consent Order was handed out to the panel for review. Dr. Satterly is charged with violating O.C.R.R.S.T. 0880-2-.12 (4) (b) (1) and (c) (1). Between August 2002 and February, 2004, Dr. Satterly engaged in the performance of live blood cell analysis without a Clinical Laboratory Improvement Act Certificate. From August, 2004 to February, 2005, Dr. Satterly engaged in the practice of medicine, albeit unwittingly, including, but not limited to dispensing medical advice, performing laboratory tests and recommending types of treatment without a medical certificate. The proposed Consent Order states that Dr. Satterly is assessed thirty (30) Type A civil penalties in the amount of eight hundred (\$800.00) dollars each for each month in which he engaged in the unauthorized practice of medicine, for a total amount of twenty four thousand (\$24,000.00) dollars. Dr. Edmonson made a motion to accept the proposed Consent Order and Dr. Ali seconded the motion. The motion passed unopposed.

Otis Campbell, Jr., MD-Dr. Campbell was neither present nor represented by legal counsel. Ms. Tamanna Qureshi represented the State. The proposed Consent Order was handed out to the panel for review. Dr. Campbell is charged with violating T.C.A. 63-6-214 (b) (2). Dr. Campbell entered into an Agreed Order which was ratified by the Board and became effective on March 9, 2000. The Agreed Order stated that Dr. Campbell's medical license be placed on probation for two (2) years, three thousand dollars (\$3,000) in civil penalties to be paid within thirty (30) days of the effective date of the Agreed Order; the completion of twelve (12) hours of continuing medical education in medical ethics that must be pre-approved by the Medical Director of the Board during the probation period; provide written proof of the completion of the twelve (12) hours of required CME in medical ethics. On April 12, 2002, Dr. Campbell was notified that he was not in compliance with the Agreed Order and that he had failed to submit written proof of the completion of the twelve (12) hours of CME in medical ethics by March 9, 2002. Dr. Campbell failed to respond to the notice. On October 10, 2002, a Board Order disciplining Dr. Campbell for violating the Agreed Order became effective. Dr. Campbell was assessed twelve (12) Type A civil penalties at one thousand dollars (\$1,000) each, for a total of twelve thousand dollars (\$12,000), of which eleven (11) were waived upon proof of completion of "Bridging the Quality Chasm: Leading the Patient Safety Mission". On June 19, 2003, Dr. Campbell was notified by certified mail that he was not in compliance with the Board Order. Dr. Campbell was given additional time, until July 17, 2003, to pay all civil penalties and costs, and to submit proof of completion of the CME required by the Agreed Order and Board. Dr. Campbell failed to respond to the notice or remit the civil penalties and costs, or to submit proof of attendance for the CME. Since July 17, 2003, Dr. Campbell has fulfilled all the requirements of the Board Order. Dr. Edmonson made a motion to accept the proposed Consent Order and Dr. Ali seconded the motion. Dr. Cunningham opposed and stated Dr. Campbell's license should be revoked. The motion passed.

Santiago Lavarias, MD-Dr. Lavarias was neither present nor represented by legal counsel. Mr. Thomas Miller represented the State. Mr. Miller handed out the proposed Consent Order to the panel for review. Dr. Lavarias is charged with violating T.C.A. 63-6-214 (b) (1), T.C.A. 63-6-214 (b) (2), T.C.A. 63-6-214 (b) (3), T.C.A. 63-6-214 (b) (4), T.C.A. 63-6-214 (b) (12) and T.C.A. 63-6-214 (b) (14). The proposed Agreed Order stated that Dr. Lavarias' medical license shall be reprimanded. Dr. Lavarias shall pay three thousand five hundred dollars (\$3,500.00) in civil penalties within thirty (30) days from the effective date of the Order. Dr. Ali made a motion not to accept the proposed Consent Order and Dr. Lovelady seconded the motion. Dr. Ali suggest Dr. Lavarias' medical license be placed on probation for five years and assess civil penalties in the amount of ten thousand dollars (\$10,000). Dr. Ali made a motion for recommendation and Dr. Lovelady seconded the motion. The motion passed.

Hieu Pham, MD-Dr. Pham was neither present nor represented by legal counsel. Mr. Thomas Miller represented the State. The proposed Consent Order was handed out to the panel for review. Dr. Pham is charged with violating T.C.A. 63-6-214(b) (20). Dr. Pham's Georgia medical license was reprimanded for incorrectly doing a procedure in

which the patient later died. The proposed Consent Order stated that Dr. Pham's license to practice medicine in Tennessee is reprimanded and is subject to the following terms and conditions for a period of time to run concurrently with the Georgia Board Public Consent Order. Dr. Pham shall obtain and complete, within either two (2) years from the effective date of the Order or within the previous twelve (12) month period prior to the effective date of the Order, twenty (20) hours of continuing medical education in the area of vascular procedures in addition to the CME required of all licensed physicians. Dr. Pham shall obtain and complete said additional twenty (20) hours within two (2) years from the effective date of the Order. Prior to obtaining the CME, Dr. Pham shall submit the title of the course(s) he plans to attend and information concerning the course(s) to the Georgia Board. Within two (2) years from the effective date of the Order, Dr. Pham shall submit proof of completion of said additional twenty (20) hours to the Tennessee Board of Medical Examiners. Dr. Pham must pay costs within thirty (30) days from the issuance of the Affidavit of Costs. Dr. Ali made a motion to accept the proposed Consent Order and Dr. Lovelady seconded the motion. The motion carried unopposed.

Michael Sanders Wysor, MD-Dr. Wysor was neither present nor represented by legal counsel. Mr. Thomas Miller represented the State. The proposed Consent Order was handed out to the panel for review. Dr. Wysor is charged with violating T.C.A. 63-6-214 (b) (20). On December 9, 2004, Dr. Wysor's Virginia medical license was reprimanded. On multiple occasions from June 2001 through July 2001, while serving as Medical Director of A New Image Weight Loss Clinic, Abingdon, Virginia, Dr. Wysor aided and abetted the unlicensed practice of the healing arts. Specifically, in Dr. Wysor's absence, he permitted individuals not licensed by any board of Virginia Department of Health Professions to examine patients, administer injections of vitamin B-12, dispense multi-vitamins and sell and dispense Schedule III and IV controlled substances for the purpose of weight reduction or control. The proposed Consent Order stated that Dr. Wysor's Tennessee medical license is reprimanded. Dr. Wysor shall obtain and complete, within either two (2) years from the effective date of the Order or within the previous twelve (12) month period prior to the effective date of the Order, twenty-five (25) hours of Category 1, American Medical Association approved continuing education in the area of general medicine, ten (10) hours of Category 1, AMA approved continuing education in the area of medical recordkeeping, in addition to the continuing education required of all licensed physicians. Dr. Wysor shall obtain and complete said additional thirty-five (35) continuing education hours within two (2) years from the effective date of the Order. Prior to obtaining the continuing education, such continuing education shall be face-to-face, interactive (no home study, journal, audiotape or Internet courses and shall be approved in advance of registration by the Executive Director of the Virginia Board). Within two (2) years of his effective date of the Order, Dr. Wysor shall submit proof of completion of said additional thirty-five (35) continuing education to the Tennessee Board of Medical Examiners. Any violation of the Virginia Board Order shall constitute a violation of the Consent Order and shall be justification for further disciplinary action by the Board. Dr. Ali made a motion to accept the proposed Consent Order and Dr. Lovelady seconded the motion. The motion passed unopposed.

Umar Murad, MD-Dr. Murad was neither present nor represented by legal counsel. Mr. Thomas Miller represented the State. Mr. Miller handed out the proposed Consent Order to the panel for review. Dr. Murad is charged with violating T.C.A. 63-6-214 (b) (20). On November 18, 2004, the Commonwealth of Kentucky, Board of Medical Examiners disciplined Dr. Murad's Kentucky medical license. On July 10, 2001, the Kentucky Office of Attorney General obtained an indictment from the Perry County Grand Jury which alleged that Dr. Murad and Health Care 2000, Inc., presented improper claims to obtain payment from the Kentucky Medical Assistance Program ("KMAP"). These allegations covered Medicaid claims that were presented to KMAP during the period from July 2001 through June 2002. No allegations of impropriety were ever made with regards to Dr. Murad's Medicare billings or claims submitted by Dr. Murad to private insurance companies. The proposed Consent Order stated that Dr. Murad's Tennessee medical license is subject to the terms and conditions for a period of time to run concurrently with the Commonwealth of Kentucky, Board of Medical Licensure Agreed Order. Dr. Murad shall not supervise or serve as an alternate supervising physician for any physician assistant or advanced nurse practitioner. Dr. Murad shall attend and complete, within either thirty (30) days from the effective date of the Order or within the previous twelve (12) month period prior to the effective date of the Order, the three day seminar entitled: *"Prescribing Controlled Drugs: Critical Issues and Common Pitfalls"*, which is offered at the "Center for Professional Health" at Vanderbilt University Medical Center and provide proof of attendance to the Board within twelve (12) months from the effective date of the Order. Dr. Murad shall not pre-sign prescriptions for controlled substances. Dr. Murad shall not permit his office staff to telephone in any controlled substance prescription without written authorization for him. Dr. Murad may not provide medical treatment to his employees; however he may provide medical treatment in an emergency situation when another qualified healthcare provider is not readily available. Dr. Murad shall pay costs and must be paid within thirty (30) days from the issuance of the Affidavit of Costs. Dr. Ali made a motion to accept the proposed Consent Order and Dr. Lovelady seconded the motion. The motion passed unopposed.

Contested Case Hearings

Gregory Scott Carroll, MD- Dr. Carroll was neither present nor represented by legal counsel. Mr. Thomas Miller represented the State. The Honorable Lynn England, Administrative Law Judge presided. Mr. Miller informed the panel that all attempts were made to notify Dr. Carroll. He presented returned mail receipts and asked the panel to proceed in Default. Dr. Ali made a motion to proceed in Default and Dr. Lovelady seconded the motion. The motion carried unopposed. Mr. Miller handed out the Notice of Charges, Order and Arkansas' Order to the panel for review. Mr. Miller gave a brief opening statement and informed the panel that Dr. Carroll's Arkansas medical license was revoked for loss of advocacy of the Tennessee Medical Foundation due to a substance abuse relapse. As of May 25, 2005 Dr. Carroll's medical license still remains revoked. Dr. Carroll has a drug addiction and substance abuse problem. Dr. Carroll is charged with violating T.C.A. 63-6-214 (b) (1), T.C.A. 63-6-214 (b) (2) and T.C.A. 63-6-214 (b) (20). On or about September 21, 2004, Dr. Carroll and the Board executed an Agreed Order which restricted Dr. Carroll's medical license in Tennessee. Dr. Carroll's

license was revoked but stayed for nine (9) months from the effective date of the Order. If Dr. Carroll obtained a license in Arkansas free and clear of all encumbrances, petitions and appeared before the Board for an Order of Compliance before the expiration of the stay, the revocation would be lifted. Dr. Carroll was also required to maintain lifetime advocacy with the TMF. If advocacy was lost for any reason, and shown to have occurred in any subsequent disciplinary hearing, the board would revoke Dr. Carroll's license. On February 9, 2005, the Medical Director of the Tennessee Medical Foundation notified the Medical Director of the Board that Dr. Carroll was not in compliance with any component of his TMF Continuing Aftercare Contract, to include meeting attendance and urine drug screens and had lost advocacy with the TMF. The proposed Order states that Dr. Carroll's Tennessee medical license is revoked. Dr. Carroll must pay all costs which must be paid within thirty (30) days after the issuance of the Affidavit of Costs. The panel went into deliberations. Dr. Ali made a motion to accept the Finding of Facts in the Notice of Charges and Dr. Lovelady seconded the motion. The motion passed unopposed. Dr. Ali made a motion to accept the Causes of Action in the Notice of Charges and Dr. Lovelady seconded the motion. The motion passed unopposed. Dr. Ali made a motion to revoke the Tennessee Medical license of Dr. Carroll as stated in the proposed Order and add cost. Dr. Lovelady seconded the motion. The motion passed unopposed. The policy statement was read and accepted to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Ali made a motion to accept the policy statement and Dr. Lovelady seconded the motion. The motion passed unopposed.

Steven David Ringel, MD-Dr. Ringel was neither present nor represented by legal counsel. Mr. Thomas Miller represented the State. The Honorable Lynn England, Administrative Law Judge presided. The State presented proof of returned receipts for certified mail that went unclaimed by Dr. Ringel. Mr. Miller asked the panel to proceed in Default. Dr. Ali made a motion to proceed in Default and Dr. Lovelady seconded the motion. The motion carried unopposed. Mr. Miller gave his opening statement. The Notice of Charges, proposed Order and Kansas Board's Consent Order were handed to the panel for review. Dr. Ringel was charged with violating T.C.A. 63-6-214 (b)(1), T.C.A. 63-6-214 (b)(2), T.C.A. 63-6-214 (b)(3), T.C.A. 63-6-214 (b)(4), T.C.A. 63-6-214 (b)(5), T.C.A. 63-6-214 (b)(12), T.C.A. 63-6-214(b)(13), T.C.A. 63-6-214 (b)(14), T.C.A. 63-6-214 (b)(18) and T.C.A. 63-6-214 (b)(20). On or about December 13, 2004, Dr. Ringel's Kansas license was revoked. From approximately September of 2000 through April of 2004, Dr. Ringel wrote or phoned in prescriptions for Hydrocodone, a controlled substance, for use outside the scope of professional practice and not for a legitimate medical purpose. Dr. Ringel wrote or phoned in the prescriptions using fictitious patient names and agreed with acquaintances that they would obtain and acquire the controlled substances for their use and his use. On other occasions, Dr. Ringel used a fictitious name and obtained the medications himself. Dr. Ringel and his acquaintances obtained at least 30,000 dosage units of Hydrocodone in this manner. Dr. Ringel failed to create and /or maintain medical records regarding the prescribing of controlled substances. The proposed Order states that Dr. Ringel's Tennessee medical license is revoked and must pay costs. The panel went into deliberations. Dr. Ali made a motion to accept the Findings of Fact in the Notice of Charges and Dr. Lovelady seconded the motion. The motion passed unopposed. Dr. Ali made a motion to accept the Causes of

Action in the Notice of Charges and Dr. Lovelady seconded the motion. The motion passed. Dr. Ali made a motion to revoke the medical license of Dr. Ringel as stated in the proposed Order and assess costs. A second was followed by Dr. Lovelady. The motion passed unopposed. The policy statement was read to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Ali made a motion to accept the policy statement and Dr. Lovelady seconded the motion. The motion passed unopposed.

Tennessee Room

Panel: Mutter, Barnes, White, Yeiser

Contested Case Hearings

Randall M. Willis, MD-Dr. Willis was present and represented by legal counsel, Mr. Dan Warlick. Ms. Laurie Doty represented the State. The Honorable Marion Wall, Administrative Law Judge presided. Ms. Doty handed out the Notice of Charges to the panel for review and made her opening statement. Mr. Warlick followed with his opening statement and called Dr. Willis as first witness. Dr. Willis is charged with violating T.C.A. 63-6-214 (b) (1), T.C.A. 63-6-214 (b) (2), T.C.A. 63-6-214 (b) (4). Dr. Willis was charged with engaging in intimate and physical contact and sexual activity with a patient. Dr. Willis denies the allegations. Dr. Willis' wife was called upon as the next witness followed by Dr. Roland Gray, Medical Director for the Tennessee Medical Foundation. Ms. Doty and Mr. Warlick gave their closing arguments. The panel went into deliberations. Dr. White made a motion to accept the Finding of Facts # 7, 8 and 9 in the Notice of Charges and Dr. Mutter seconded the motion. Dr. Mutter made a motion to accept Findings #4 in the Notice of Charges stating there were three episodes of sexual contact with patients. Dr. White seconded the motion. The motion carried unopposed. Dr. White made a motion to accept Findings #5 in the Notice of Charges because Dr. Willis admitted to voluntary assessment and treatment. Ms. Yeiser seconded the motion. The motion carried unopposed. Dr. Mutter made a motion to accept Findings # 6 stating evidence that Dr. Willis poses no threat to the public and has TMF advocacy. Dr. White seconded the motion. The motion passed. Dr. White made a motion to accept the Conclusions of Law that established a violation of T.C.A. 63-6-214(b) (1). Dr. Mutter seconded the motion. The motion passed unopposed. Dr. Mutter made a motion to accept the Conclusions of Law that established a violation of T.C.A. 63-6-214 (b) (2). Ms. Yeiser seconded the motion. The motion passed unopposed. Dr. White made a motion to assess three (3) Type B civil penalties in the amount of five hundred dollars (\$500) each. Dr. Mutter seconded the motion. The motion passed unopposed. Dr. White made a motion to assess costs and Dr. Mutter seconded the motion. The motion passed unopposed. Ms. Yeiser made a motion to place Dr. Willis' license on probation for one year, retain lifetime advocacy with TMF and submit quarterly reports. Dr. Mutter seconded the motion. Dr. White stated Dr. Willis' license should be on probation for five (5) years. After discussion with the panel, Dr. White made a motion to amend and change the length of probation to three (3) years and Dr. Mutter seconded the motion. Ms. Yeiser opposed. The motion passed. Dr. Mutter made a motion acknowledging that

Dr. Willis violated the Medical Practice Act and Dr. White seconded the motion. The motion passed.

Letter of Reprimand

William A. Garrett, MD-Dr. Garrett was neither present nor represented by legal counsel. Ms. Doty represented the State. The Letter of Reprimand was handed out to the panel for review. Dr. Garrett on three occasions, practiced medicine negligently or incompetently while in Virginia. Dr. White made a motion to accept the Letter of Reprimand and Dr. Mutter seconded the motion. The motion passed.

Adjourned at 3:00 p.m.

Dr. Allen S. Edmonson, Secretary

Date